

USSN: 10/677,551

Ref. No. 27712 (formerly 01337.US1)

REMARKS**STATUS OF THE CLAIMS**

Claims 2-8 and 11-18, 20-23 and 26-36 were pending in the present application. Claims 13, 14, 17, 18, 20, 30, and 31 have been amended. New claim 37 has been presented. Claims 2-8 and 11-18, 20-23 and 26-37 would be pending in the application if the instant amendment is entered.

I. Claim Rejections - 35 U.S.C. § 112, Second Paragraph

In the Office Action, claims 2-8, 11-18, 20-23, 26-36 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for bases (a) through (d) below.

a) Claim 20 was rejected for the recitation of "each R^{15} is independently .. (c) Oxo" as being incorrect because "oxo" allegedly represents a divalent radical that would not be permitted for the variable "X is $C(R^{15})_2-O-C(R^{15})_2$ ".

Claim 20 has been amended to delete (c) Oxo.

b) Claims 17-18 and 30 were rejected for allegedly being improper on claim 20. The species of claim 17 and 30, and most of the species of claim 18 were described as being spiro where R^1 and R^2 together with the carbon atom to which they are attached form a pyrimidine-trione or indene derivative. The office action alleges that claim 20 does not permit such spiro derivatives. The office action stated that there is no definition in claim 20 that defines R^1 and R^2 as forming a spiro ring with the tricyclic ring.

Applicants note that claim 20 recites, in part, that:

R^1 is
 (b) $C(=O)R^6$, or
 R^2 is
 (b) $C(=O)R^7$, ...
 (d) $-CH_2-R^7$,
 (e) $-NR^{17}R^7$,
 (f) $-CH_2COR^7$, or
 (g) $-CH_2CH_2COR^7$;

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and that R⁶ and R⁷ are independently; ...

(e) R⁶ and R⁷ together with the 2 carbons to which they are attached form cyclohexane-1,3-dione optionally substituted by one or more R¹³, cyclopentane-1,3-dione optionally substituted by one or more R¹³, R⁶ and R⁷ together form -N(R¹⁷)-S(O)_m-N(R¹⁷)-, -N(R¹⁷)-C(O)-N(R¹⁷)-, -N(R¹⁷)-C(S)-N(R¹⁷)-, -N(R¹⁷)-N(R¹⁷)-, -N(R¹⁷)-C(O)-, or -N(R¹⁷)-, or R⁶ and R⁷ together form a phenyl ring.

Thus, R⁶ and R⁷ may be taken together as potential substituents of R¹ and R² to form a ring with a spiro attachment to the tricyclic ring as specified in claim 20.

c) Claim 31 was rejected as being improperly dependent from claim 20. Claim 30 depends from claim 20, but the proviso from claim 30 is not present in claim 20. The provision was originally presented in deleted claim 1.

Claim 31 has been amended to delete the proviso.

d) Claim 14 was rejected for the recitation of "each R¹⁵ is independently .. (c) Oxo" as being incorrect because "oxo" allegedly represents a divalent radical that would not be permitted for the morpholine ring of claim 14 has a hydrogen already attached to it. The Office Action recommended that any similar issue be addressed in all pending claims.

Claims 13 and 14 have been amended to delete (c) Oxo.

In light of these amendments and comments, Applicants submit that the pending claims are not indefinite. Applicants respectfully request the Examiner withdraw these rejections.

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CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that this application is in condition for allowance and earnestly solicit notice to that effect. The Examiner is invited to contact the undersigned at the telephone number below if it would be helpful in advancing the application to issue.

Respectfully submitted,

Dated:

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